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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,222	07/10/2002	Michael John Gait	2224/OK248	9617

7590 10/23/2006

Darby & Darby  
Post Office Box 5257  
New York, NY 10150-5257

EXAMINER

AUDET, MAURY A

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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20061016

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## Commissioner for Patents

The current claims 62-63, 84-86, and 88-92, under examination on the merits, are drawn a formula (VI) with a base structure (M1-NH)-CO-A-CO-NH-(CH- attached to D-SH AND B-). M1-NH is any amino group or any peptide residue, M2 is any oligonucleotide residue, A is any alkylene or arylene group, B is ANY linker or X-J, wherein X is a residue of ANY functional group capable of reacting with a hydroxy group; J is ANY cyclic or acyclic alkylene or ANY arylene group; and D is a C1-4 alkylene group or C3-12 arylene group.

The Examiner initially tried to search and examined the very broadly defined formula, with little core, with extreme difficulty. Thereafter a search was submitted to our most senior professional chemical searcher (Jan Delaval) in our Scientific and Technical Information Center (STIC) branch. Her verbatim comment after analyzing the formula was "Your compounds are structurally unsearchable. I did run a structure search, but the results were irrelevant".

Rather than go out with another action (citing Written Description issues/112 2<sup>nd</sup> issues as to claimed invention not distinctly claimed), the present action is being sent in order to afford Applicant the opportunity to distinctly claim the invention in order that a reasonable search of the subject matter may be undertaken. Applicant may wish to claim the base formula, with the distinct compounds for each X group (e.g. M1, M2, A, B, X-J, D).

Applicant is given a 3-month shortened statutory time (rather than 1 month) in which to respond, to allow sufficient time discuss the above and amend the claims as deemed appropriate. Applicant may telephone the Examiner for an interview in order to discuss proposed claim amendments, if deemed helpful.

## Conclusion

No claims are allowed.

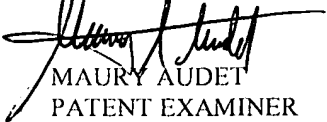
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maury Audet whose telephone number is 571-272-0960. The examiner can normally be reached on M-Th. 7AM-5:30PM (10 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecelia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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MA, 10/12/2006



MAURY AUDET  
PATENT EXAMINER  
ART UNIT 1654